



To: Chief Elected Officials
WIB Chairs
WIB Directors
Fiscal Agents

Mitchell E. Daniels, Jr., Governor
Ronald L. Stiver, Commissioner

From: Ronald L. Stiver *RS*
Commissioner

10 N. Senate Avenue
Indianapolis, IN 46204-2277
Phone: 317-232-7670
FAX: 317-233-4793
TDD: 317-232-7560
<http://www.workforce.IN.gov>

Date: March 9, 2005

An Equal Opportunity Employer

Subject: DWD Policy: 2004-19
Establishment of Local Workforce Investment Boards

Purpose

To provide the requirements to establish Indiana Workforce Investment Boards, Incumbent Worker Councils, and Youth Councils and to attain their certification.

Rescissions

DWD Communication 98-57, Change 3: Establishment of Local Workforce Investment Boards, dated July 8, 2002.

Content

This policy provides the certification requirements for local Workforce Investment Boards (WIBs). Specific documents to be submitted are detailed in the appropriate sections below. The sections are as follows:

Overview		Page 3
Section 1	Appointment of Workforce Investment Boards	Page 7
Section 2	Appointment of Incumbent Worker Councils	Page 14
Section 3	Appointment of Youth Councils	Page 16
Section 4	Workforce Investment Board/Chief Elected Official Agreement	Page 19
Section 5	Economic Interest/Conflict(s) of Interest Statements	Page 20
Section 6	Workforce Investment Board, Incumbent Worker Council, and Youth Council Membership Templates, and WIB Membership Qualifications Template	Page 25
Section 7	Checklists for Certification	Page 29
Section 8	Quarterly Reports	Page 34

Due Dates

The WIB certification request for Program Year 2005 is due by April 1, 2005.

Quarterly Reports, which are the four electronic membership templates, must be submitted at the start of every calendar quarter (July 1, October 1, January 1, and April 1). The first quarterly report for Program Year 2005 is due on October 1, 2005. The October report will reflect changes to the WIB membership as of July 1, 2005.

Effective Date

March 9, 2005

Ending Date

October 15, 2006

Ownership

WIA Administration

Action

Local administrators are directed to assure that their WIBs comply with the specifics of this policy and to submit the templates quarterly.

Contact Person

William R. Miller

Director, WIA Administration

Indiana Workforce Development

10 N. Senate Avenue

Indianapolis, IN 46204

Phone # 317-233-4010

Fax # 317-233-6081

E-mail: wmiller@dwd.state.in.us

Overview

The Workforce Investment Act (WIA) of 1998 restructured a multitude of workforce development programs into an integrated workforce investment system. This system responds to employers' workforce requirements and to the employment needs of current workers, the unemployed, and new entrants to the labor force.

At the local level, the focal point of the restructuring is the Workforce Investment Board (WIB) whose members are appointed by Chief Elected Officials (CEOs). Each WIB sets policy and guidelines for its workforce service area (WSA) and conducts oversight of its WorkOne system. [WIA Section 117(d)(4). Oversight defined at 20 CFR Part 667.410.]

WIA Title I, Section 101(6) defines Chief Elected Official (CEO) as:

- The chief elected executive officer of a unit of general local government¹ in a local area; and
- In a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in Section 117(c)(1)(B).

WIA Section 117 (c)(1)(B) states that in a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials.

The Indiana Department of Workforce Development (DWD) further defines the CEO as [22-4.5-2-2]:

- 1) The executive of a second or third class city that:
 - Has a population of not less than five thousand;
 - Is located in a workforce investment area; and
 - Is the only city located in the workforce investment area that has a population of at least five thousand;
- 2) A member of the executive body of a county located in a workforce investment area, selected by the executive body of the county; or
- 3) If there is more than one Chief Elected Official in the Workforce Investment Area meeting the definition of subdivision 1) or 2) above, the elected official designated by an agreement between the cities and counties, i.e., in the agreement among the CEOs to whom WIA funding is granted by DWD (described in Section 117(c)(1)(B)) to carry out the responsibilities of the Chief Elected Official under the Workforce Investment Act.

In addition, DWD requires one Chief Elected Official from a Workforce Service Area to be designated to sign grant and contractual agreements with the Indiana Department of Workforce Development. This same CEO has ultimate financial liability for WSA funds, and

¹ A "unit of general local government" is defined in WIA Section 101 as any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

is the person with whom DWD will correspond. The individuals designated under the agreement described in Section 117(c)(1)(B) must determine how financial liability is distributed among all the CEOs for whom potential WIA funding is granted by DWD.

Since the WIB is critical for the workforce service system to meet the needs of its customers and to meet its performance goals, every two program years the Governor must certify each WIB based on guidelines established under WIA Title I, Indiana law, and State policies.

WIA Title I, Section 117 (c)(2) of the Workforce Investment Act (WIA) of 1998 discusses the certification of the local WIBs. The Act states:

- Once every two program years, the Governor shall certify one WIB for each WSA in the State.
- Such certification shall be based on criteria established under WIA Title I, Section 117 (b)² and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area enabled the WSA to meet its local performance measures.
- Failure of a WIB to achieve certification shall result in reappointment and certification of another WIB for the WSA pursuant to the process described in WIA Title I, Section 117(c)(1) and in this paragraph.

WIA Title I, Section 117(c)(3) discusses the decertification of the local WIB. The Act states:

- Notwithstanding WIA Title I, Section 117(c)(2), the Governor may decertify a WIB at any time after providing notice and an opportunity for comment for
 - Fraud or abuse or
 - Failure to carry out the functions specified for the local board in any of paragraphs (1) through (7) of subsection WIA Title I, Section 117 (d).
- Notwithstanding WIA Title I, Section 117(c)(2), the Governor may decertify a WIB if a WSA fails to meet the local performance measures for two consecutive program years (in accordance with WIA Title I, Section 136(h)).
- If the Governor decertifies a WIB for a WSA under WIA Title I, Section 117(c)(2)(A) or (B), the Governor may require that a new WIB be appointed and certified for the WSA pursuant to a reorganization plan developed by the Governor, in consultation with the CEOs in the WSA, and in accordance with the criteria established under WIA Title I, Section 117(b).

Policy for Certification of the WIB

In certifying the WIB, the following apply:

- The Governor shall certify the WIB for a period not to exceed two program years if the Governor determines that its composition and appointments are consistent with WIA and State policy.

² WIA Title I, Section 117 (b) is discussed in the Appointment of Workforce Investment Boards in this policy.

- WIB staff shall be independent and separate from WIA service delivery staff.
- For second and subsequent certifications, the Governor must determine whether the WIB has met its WIA performance goals. To ensure that the WIB's WIA performance goals are met, WIA Title I, Section 136(h) will be implemented if necessary. Section 136(h) states:
 - If a WIB fails to meet its performance levels relating to indicators described in WIA Title I, Section 136(b)(2) (A) or (B) for any program year, the Governor, or upon request by the Governor, the Department of Labor, shall provide technical assistance. Technical assistance may include assistance in the development of a performance improvement plan, or the development of a modified local plan.
 - If such failure continues for a second consecutive program year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may:
 - Require the appointment and certification of a new WIB (consistent with the criteria established under Section 117(b);
 - Prohibit the use of eligible providers and WorkOne partners identified as achieving a poor level of performance; or
 - Take other actions the Governor determines appropriate.
- The WIB or CEO must have a signed and dated Economic Interest/Conflict of Interest(s) Statement for each WIB, Incumbent Worker Council, and Youth Council board member on file.
- Additionally, for certification, DWD will determine if, at a minimum, satisfactory progress toward resolution of audit and monitoring findings is occurring.

Submittal of Documents for Certification

WIA Section 117(c)(2)(A) states that every two program years, the Governor shall certify one local board for each local area in the state. The Governor has designated DWD to serve as the state administrative entity for WIA.

DWD requires that the CEOs submit the letter requesting certification and the required documents to DWD by the first day of the quarter before the program year that the WIB requests certification. The request must be submitted to WIA Administration, Department of Workforce Development, 10 North Senate Avenue, Indianapolis, IN 46204. The request must include the following:

- A letter requesting certification.
- Assurance that a documented WIB nomination and selection process was adopted by the CEO of the WIB and that those records may be accessed at the WIB's or at the CEO's office. Documentation on file must include the names and qualifications of all nominees.
- Assurance that the WIB has adopted bylaws for its governance which are on file at the WIB's or CEO's office. The bylaws must:
 - 1) Include a "Conflict(s) of Interest" clause that is in compliance with this policy; and
 - 2) Establish quorum guidelines for the WIB and all permanent councils.
- A copy of the CEO/WIB Agreement signed and dated by the WIB chair and the CEO.

- A statement indicating how the WIB meets the independent staff requirements.
- A separate document listing the WorkOne Operator name(s), business address (es), telephone number(s), and e-mail address (es).
- Assurance that the WIB or CEO has a signed and dated Economic Interest/Conflict(s) of Interest Statement for each WIB, Incumbent Worker, and Youth board member on file.
- Electronic copies of the WIB Membership Template and the WIB Qualifications Template.
- An electronic copy of the Youth Council Membership Template.
- An electronic copy of the Incumbent Worker Council Membership Template.

Section 1

Appointment of the Workforce Investment Boards

General

The Chief Elected Officials (CEOs) in each WSA are authorized to appoint the members to the WIB for such area, in accordance with the State criteria established under Section 117(b) of WIA. [Section 117(c)(1)(A)] The CEOs are responsible for solicitations for nominations and appointments. The Workforce Investment Board (WIB) shall include sector representatives from business, labor, education, community-based organizations, economic development, WorkOne partners, and other WIB members as the CEOs determine appropriate. This section lists general requirements for all WIB members and specific requirements for each WIB membership category. Please note that in the membership compositions listed in WIA Title I, Section 117(b), the term “including” is used to present examples and should be interpreted to mean “for example” or “such as.”

The following general requirements apply regarding WIB composition:

- WIB members shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent. [WIA Title I, Section 117 (b)(3)]
- A majority of the WIB members shall be representatives of businesses in the WSA. [WIA Title I, Section 117 (b)(4)]
- A minimum of fifteen percent of the WIB members shall be representatives of labor. [IC 22-4.5-3-3,(f)]
- The WIB shall elect a chairperson from the WIB business representatives. [WIA Title I, Section 117 (b)(5)]
- WIB members may represent more than one interest group and/or WIA partner if appropriate nomination procedures and policies have been followed.
- When calculating minimum membership requirements, such as required percentages, non-voting members are not included.
- If the CEOs increase the minimum size of the WIB, then they must recalculate the membership percentages to assure that the majority of the WIB members are business representatives and that a minimum of 15% of the members represents labor.

Business

The following criteria apply:

- The majority of the WIB members shall be representatives of businesses in the WSA [WIA Title I, Section 117(b)(4)] who:
 - Are owners of businesses, chief executives, or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - Represent businesses with employment opportunities that reflect the employment opportunities of the WSA; and

- Are appointed from among individuals nominated by local business organizations and business trade associations. [WIA Title I, Section 117 (b)(2)(A)(i) and (b)(4)]
- Nominations shall be solicited from business organizations and business trade associations in the WSA.
- Members should include representatives from diverse businesses in the WSA.
- Businesses paying their workers a “minimum living wage” may be given preference when selecting business representatives. Assistance in determining the definition of “minimum living wage” for the WSA may be found in “The Self-Sufficiency Standard for Indiana,” published by the Indiana Coalition on Housing and Homeless Issues (ICHHI). The report can be accessed at <http://www.ichhi.org/index.asp?action=programs_ichhi_publications>

Labor

The following criteria apply:

- The WIB members shall include representatives of labor organizations, nominated by the local labor federations (called the Central Labor Councils in Indiana) that have jurisdiction in that area. Labor appointees should have strong ties to the Central Labor Councils. [WIA Title I, Section 117 (b)(2)(A)(iii)]
- A minimum of fifteen percent of the WIB members shall be representatives of labor. [IC 22-4.5-3-3,(f)]

Education

The following criteria apply:

- Education members of the WIB shall be nominated by and selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities such as the following:
 - Local educational agencies.
 - School boards.
 - Entities providing adult education and literacy activities.
 - Postsecondary educational institutions (including representatives of community colleges, where such entities exist). [WIA Title I, Section 117 (b)(2)(A)(ii)]
- The WIB must have a minimum of two educational entities represented.
- The Adult Education and Literacy and the Postsecondary WorkOne partners may satisfy the educational requirement if they meet the requirements under WIA Title I, Section 117(b)(2)(A)(ii).

Community-Based Organizations

WIA Title I, Section 101 (7) defines a Community-Based Organization as: "a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment." The following apply:

- The WIB members shall include representatives of community-based organizations in the WSA, such as organizations representing individuals with disabilities and veterans that have strong ties with workforce development.
[WIA Title I, Section 117 (b)(2)(A)(iv)]
- The board must have a minimum of two community-based organizations represented.
- Nominations shall be solicited from a variety of community-based organizations that deal with workforce development or human services.
- Community-based organizations should serve a large portion of the WSA and/or represent the diverse aspects of the population.

Economic Development

The following criteria apply:

- The members of the WIB shall include representatives of economic development agencies, including private sector economic development entities.
[WIA Title I, Section 117 (b)(2)(A)(v)]
- The board must have a minimum of two economic development entities represented.
- Nominations shall be solicited from public and private local economic development entities.

WorkOne Partners

Mandatory WorkOne Partners

The members on the local WIB shall include one representative of each mandatory WorkOne partner located in the WSA. [WIA Title I, Section 117 (b)(2)(A)(vi)] The following criteria apply to the nomination process:

- The "entity" that serves as the WorkOne partner is the grant recipient, administrative entity or organization responsible for administering the funds of the specified program in the local area. The term "entity" does not include the service providers that contract with or are subrecipients of the local administrative entity. For programs that do not include local administrative entities, the responsible State Agency should be the partner. The intent of the Act is to have the person at the highest policy level per entity on the WIB. [WIA Final Rule 20 CFR Part 662.220(a)]
- Only partners who have an employment and/or training facility in the WSAs need to have representatives on the WIBs. At the bottom of the WIB Membership Template, a comment must be provided indicating any mandatory partners that do not have an employment and/or training facility in the WSA. Yearly, the WIB must review which mandatory partners have employment and/or training facilities in the WSA.

The Mandatory WorkOne partners are from the following [WIA Section 121(b)(1)(B) (i-xii)]:

- Programs authorized under WIA Title I - Adult, Youth and Dislocated Worker.
The CEO is the representative for the WIA Title I Adult, Youth, and Dislocated Worker Programs as the grant recipient. The CEO may designate a representative from an entity that carries out the program and activities such as the grant recipient, administrative entity, or fiscal agent of the specific program in the local area. Examples of administrative representatives are the WIB Chair, WIB Director, or WIB staff. The Fiscal Agent may represent WIA on the WIB as the grant recipient if the Fiscal Agent is not a WIA Service Provider. WIA service providers cannot be representatives. Guidance in designating a representative may be found in the WIA Final Rules 20 CFR Part 662.220.
- WIA Title I - Job Corps.
Nominations shall be solicited from the Job Corps when there is a Job Corps training facility located in the WSA. The only areas that have these training facilities in Indiana are Edinburg and Indianapolis.
- WIA Title I - Indian and Native American programs.
Nominations shall be solicited from the State Executive Director, American Indian Center of Indiana, whose purpose is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals. Only areas that have these employment and training facilities located in the WSA need to have representatives on their WIBs. The only areas that have these employment and training facilities in Indiana are Indianapolis and Peru.
- WIA Title I - Migrant and Seasonal Farmworker programs.
Nominations shall be solicited from the State Director for Transition Resources Corporation (TRC), which is a federally procured provider for services to migrant seasonal farm workers. Only areas that have these employment and training facilities located in the WSA need to have representatives on their WIBs. The only areas that have these employment and training facilities in Indiana are Indianapolis, Kokomo, Madison, South Bend, and Vincennes.
- Programs authorized under the Wagner-Peyser Act (29 U.S.C.49 et seq.), activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (Trade Adjustment Assistance), and Veterans' workforce programs and activities authorized under Chapter 41 of Title 38, U.S.C. (local veterans' employment representatives and disabled veterans outreach program). [WIA Section 121(b)(1)(B)(i) and (ix)] Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).
A nomination shall be solicited from the Commissioner of the Indiana Department of Workforce Development.
- Adult education and literacy activities authorized under Title II of WIA.
Nominations for a representative of a comprehensive adult basic education provider shall be solicited from the Director of the Division of Adult Education at the Department of Education. The adult education and literacy representative may also serve as one of the educational representatives if all requirements for the educational representative and adult education and literacy representative are met.

- Programs authorized under Title I of the Rehabilitation Act of 1973.
Nominations shall be solicited from the Executive Director of Vocational Rehabilitation Services who receives national funds for vocational rehabilitation and/or from the Executive Director of the Indiana Protection and Advocacy Services who receives the same national funding for the Client Assistance Program (CAP), an advocacy program for vocational rehabilitation clients. The representative may be from either entity or from both.
- Senior Community Service Employment Activities, authorized under Title V of the Older Americans Act of 1965.
Nominations to represent the interests of older workers on the WIB shall be solicited from the American Association of Retired Persons (AARP), National Council of Senior Citizens (NCSC), National Urban League (NUL), U.S. Forest Services (USFS), State Unit of Aging (SUA), or Real Services.
- Postsecondary Vocational Education Activities under Carl D. Perkins Vocational and Applied Technology Education Act.
Nominations shall be solicited from all local postsecondary vocational education boards in the WSA to represent postsecondary vocational education. The postsecondary representative may also serve as one of the educational representatives if all requirements for the educational representative and postsecondary vocational educational representative are met.
- Employment and training activities carried out under the Community Services Block Grant Act (CSBG). (42 U.S.C. 9901 *et seq*)
Nominations shall be solicited from all entities with CSBGs in the WSA that administer employment and training programs or activities, such as Community Action Program agencies administering employment and training programs/activities.
- Employment and training activities administered by the U.S. Department of Housing and Urban Development (HUD).
Nominations shall be solicited from all HUD grantees in the WSA that have strong ties to workforce development and who administer employment and training programs or activities.

Voluntary WorkOne Partners

Additional WorkOne partners may be represented on the WIB. A signed Memorandum of Understanding is required if the WorkOne partner serves on the WIB. [WIA Section 121(b)(2) and Section 121(c)]

WorkOne Partner Memorandum of Understanding (MOU)

The following apply:

- A memorandum of understanding must be developed with each mandatory or voluntary WorkOne partner that is represented on the WIB. [WIA Title I, Section 121 (c)(2)]
Each memorandum of understanding shall contain provisions describing:
 - (i) The services to be provided through the one-stop delivery system
 - (ii) How the costs of such services and the operating costs of the system will be funded
 - (iii) Methods for referral of individuals between the WorkOne operator and the

WorkOne partner, for the appropriate services and activities,
(iv) The duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum, and
Such other provisions, consistent with WIA Title I, as the parties to the agreement determine to be appropriate.

- WIA emphasizes full and effective partnerships between WIBs, CEOs, and WorkOne partners.
- WIBs and WorkOne partners must enter into good-faith negotiations.
- Additionally, reimbursement for costs associated with service provision and operating costs in the WorkOne Center may be necessary. In such cases, a contractual agreement, such as the Integrated Services contract, is necessary.

If an impasse occurs and cannot be resolved:

- The WIB, CEOs, or the partners may request technical assistance from DWD, the State partner agency, the Governor, the State Board, or other appropriate parties.
- DWD, the State partner agency, the State Board, and the Governor may consult the appropriate Federal agencies for technical assistance, after exhausting other alternatives.
- If an impasse still continues, the WIB and the WorkOne partner must report the lack of an MOU to the Governor or the State Board, DWD, and the State partner agency.
- The Governor or the State Board, DWD, and the State partner agency must report the lack of a MOU to DOL and the Federal agency responsible for oversight of the partner's program. [WIA Final Rule 20 CFR Part 662.310 (b)]
- If an impasse still occurs, the partner may not serve on the WIB. A determination will be made by DWD if such partner is to serve on the WIB. The determination to serve on the WIB will be based on good-faith efforts shown by either or both of the partners. [WIA Final Rule 20 CFR Part 662.310 (c)]
- Any WSA in which a WIB has failed to execute an MOU with all of the required partners is not eligible for State Incentive grants awarded on the basis of local coordination activities under 20 CFR 665.200(d)(2). [WIA Final Rule 20 CFR 662.310(c)]
- Sanctions against the WIB may be initiated. based on DWD Policy 2002-34: Sanctions Policy, dated 4/11/03.

Other Board Members

WIA Title I, Section 117 (b)(2) (B) indicates the CEO "may include such other individuals or representatives of entities as the Chief Elected Official in the local area may determine to be appropriate." The rationale for how these other board members are appropriate must be included in the request for board certification.

WIB Membership Template and WIB Qualifications Template to be Submitted by the CEO to DWD

An electronic copy of the WIB Membership Template found under Section 6 should be dated and completed according to the following columns:

- Provide the date that the template was completed.
- Provide the WIB position number (consecutively numbered).
- Indicate whether a position is vacant (V) or deleted (D) and the date of the transaction. The position number and sector name must remain as originally stated to indicate what position has been deleted or vacated. All sector and WorkOne partner vacancies must be filled within 90 calendar days from the date of occurrence. A sixty day extension may be considered if the WIB can show good cause for not filling the vacancy. Prior to DWD's Oversight Unit's monitoring visits, WIA Administration will provide Oversight with copies of the WIB's current templates.
- Denote WIB officers, and at bottom of the template, provide chair's E-mail address.
- Provide member's name, organization's name, job title, and business address and phone number of each WIB member.
- Provide sector affiliation: business, labor, education, community-based organization, economic development, and/or WorkOne partner.
- Use only one WIB position number for each member even if the WIB member represents more than one sector.
- For all representatives whose sector is "partner," indicate which partner in the category column, such as Wagner-Peyser, or UI. It is possible for one individual to represent multiple sectors/partners.
- Indicate whether the WIB member has a signed and dated Economic Interest/Conflict(s) of Interest Statement on file, using "Yes" or "No."
- Provide beginning and ending dates of each WIB member's term.

An electronic, dated copy of the WIB Membership Qualifications Template must:

- Provide the date that the template was completed under the title of the template.
- Provide the same corresponding position number and name as listed on the electronic copy of the WIB Membership Template discussed above.
- Provide a brief description of the Workforce Investment Board member's functional employment responsibilities and an explanation of the member's qualifications to serve on the Workforce Investment Board. The member's position title is not sufficient.

Section 2

Appointment of Incumbent Worker Councils

Citation

Indiana Code 22-4.5-3-4 states:

- Each regional board ³ shall establish an Incumbent Worker Council (IWC) as an advisory committee to the WIB.
- The regional board, with the cooperation of the CEO, shall appoint members of the IWC under criteria established by DWD.
- At least thirty-three percent (33%) of the members of the IWC must be representatives of labor.
- A member of the Incumbent Worker Council who is not a member of the WIB at the time appointed to the IWC is:
 - A voting member of the IWC.
 - A nonvoting member of the WIB.

Policy for Establishing Local Incumbent Worker Councils

The following criteria apply:

- Each WIB in cooperation with the CEOs shall establish an IWC, which will be an advisory group to the Workforce Investment Board.
- The WIB in cooperation with the CEOs shall appoint the IWC members with special interest or expertise in incumbent worker policies.
- The following applies to IWC membership sectors:
 - At a minimum, 33% of the IWC members shall be business.
 - At a minimum, 33% of the IWC members shall be labor.
 - IWC may include representatives from:
 - Indiana Department of Workforce Development. One of the representatives may be the Regional Development Specialist for the WSA.
 - Indiana Department of Commerce. One of the representatives may be the Business Development Representative.
 - Economic development entities.
 - Other individuals as the WIB Chair and CEOs determine to be appropriate.
- The chair for the IWC shall be a voting member of the WIB.
- Incumbent Worker Council members who are not WIB members will be voting members of the Incumbent Worker Council, but will not have voting rights on the WIB.
- The WIB or CEO must have a signed and dated Conflict(s) of Interest Statement for each IWC member on file.
- The primary duty of the IWC is to develop and recommend a plan to be adopted by the WIB and incorporated into the WIA plan.
- Business and Labor vacancies on the Incumbent Worker Council must be filled within 90 calendar days from the date of occurrence. A sixty day extension may be considered

³ The "Regional Board" referred to in IC 22-4.5-3-4 is the WIB.

if the WIB can show good cause for not filling the vacancy. Prior to DWD's Oversight Unit's monitoring visits, WIA Administration will provide Oversight with copies of the WIB's current templates.

Incumbent Worker Council Template to be Submitted by the CEO to DWD

An electronic copy of the Incumbent Worker Council (IWC) Template found under Section 6 must be dated and submitted to DWD. The qualifications of individuals to serve on the IWC must be kept locally. The membership template submitted must:

- Provide the date that the template was completed.
- Provide the position number (consecutively numbered).
- Indicate whether a position is vacant (V) or deleted (D) and the date of the transaction. The position number must remain as originally stated to indicate what position has been deleted or vacated. All vacancies must be filled within 90 calendar days from the date of occurrence. A sixty day extension may be considered if the WIB can show good cause for not filling the vacancy. Prior to DWD's Oversight Unit's monitoring visits, WIA Administration will provide Oversight with copies of the WIB's current templates.
- Denote IWC Chair, and at the bottom of the template, provide chair's E-mail address.
- Provide member's name, organization's name, job title, business address, and phone number of each IWC member.
- Provide sector represented.
- Use only one position number for each member even if the IWC member represents more than one sector.
- Indicate (Yes or No) whether each IWC member has a signed and dated Economic Interest/Conflict(s) of Interest Statement on file.
- Indicate whether the IWC member is a voting WIB member.
- Provide beginning and ending dates of each IWC member's term.

Section 3 **Appointment of Youth Councils**

Citations

Title I, Section 117 (h) of WIA of 1998 provides the Federal policy on the establishment of a Youth Council by the WIB in cooperation with the Chief Elected Official. The Act states:

- A Youth Council appointed by the WIB in cooperation with the CEO shall be established as a subgroup of the WIB.
- The membership of each Youth Council shall include:
 - Members of the WIB described in WIA Section 117, (b)(2)(A)& (B) with special interest or expertise in youth policy.
 - Representatives of youth service agencies. Juvenile justice and local law enforcement agencies may be included in this category.
 - Representatives of local public housing authorities.
 - Parents of eligible youth seeking assistance under this subtitle.
 - Individuals and representatives of organizations that have experience relating to youth activities. A former WIA participant may be included in this category.
 - Representatives of the Job Corps, if Job Corps has a training facility in the WSA.
 - Other individuals if the WIB Chair, in cooperation with the CEO, determines the appointment to be appropriate.
- Members of the Youth Council who are not members of the local board described in WIA Section 117, (b)(2)(A)& (B) shall be voting members of the Youth Council and nonvoting members of the WIB.
- The duties of the Youth Council include:
 - Coordinating youth activities authorized under WIA Title I, Section 129 in the local area.
 - Developing the portions of the local plan related to eligible youth, as determined by the chairperson of the WIB.
 - Recommending eligible youth service providers in accordance with WIA Title I, Section 123, subject to the approval of the WIB.
 - Conducting oversight with respect to eligible providers of youth activities in the WSA, subject to the approval of the local WIB.
 - Carrying out other duties as authorized by the chairperson of the WIB.

Policy for Establishing Local Youth Councils

The following criteria apply:

- Each WIB in cooperation with the CEOs shall establish a Youth Council, which will be a subgroup of the WIB.
- The Youth Council shall include at least two members from each of the following categories, except as noted under local public housing authorities and Job Corps categories:
 - Local board members with special interest or expertise in youth policies.

- Representatives of youth service agencies. Representatives from juvenile justice and local law enforcement agencies may meet the requirements under this category.
 - Representatives from local public housing authorities. In areas where only one public housing authority provides employment and training services, one representative will meet the requirement under this category.
 - Parents of eligible youth seeking assistance under this subtitle.
 - Individuals who have experience related to youth activities. Former participants and representatives of organizations who have experience related to youth activities may meet the requirements under this category.
 - Representatives of the Job Corps, if located in the WSA. One representative will meet the membership requirement for each affected WIB under this category. Currently, Job Corps has two training centers in Indiana, Edinburgh and Indianapolis.
 - Other individuals, if deemed appropriate by the WIB Chair, in cooperation with the CEO. [Filling this position is optional.]
- The Chair for the Youth Council shall be a voting member of the WIB.
 - Youth Council members who are not WIB members will be voting members of the Youth Council, but will not have voting rights on the WIB.
 - Youth Council vacancies must be filled within 90 days. A sixty day extension may be considered if the WIB can show good cause for not filling the vacancy. WIA Administration will provide DWD Oversight with copies of each WIB's most current templates prior to Oversight's monitoring each WIB.
 - The WIB or CEO must have a signed and dated Economic Interest/Conflict(s) of Interest Statement for each Youth Council member on file.

Youth Membership Template to be Submitted by the CEO to DWD

An electronic copy of the Youth Council Template found under Section 6 must be dated and submitted to DWD. The qualifications of individuals to serve on the Youth Council must be kept locally. The template submitted must:

- Provide the date that the template was completed.
- Provide the position number (consecutively numbered)
- Indicate whether a position is vacant (V) or deleted (D) and the date of the transaction. The position number must remain as originally stated to indicate what position has been deleted or vacated. All vacancies must be filled within 90 calendar days from the date of occurrence. A sixty day extension may be considered if the WIB can show good cause for not filling the vacancy. Prior to DWD's Oversight Unit's monitoring visits, WIA Administration will provide Oversight with copies of the WIB's current templates.
- Denote Youth chair, and at the bottom of the template, provide the chair's E-mail address.
- Provide member's name, organization's name, job title, business address, and phone number of each Youth Council member.
- Provide sector affiliation (with appropriate abbreviations for use on the template) which must include:
 - Local WIB Board members with special interest or expertise in youth policies (WIB).
 - Representatives of youth service agencies (YSA).

- Representatives from local public housing authorities (PHA).
- Parents of eligible youth seeking assistance under this subtitle (Parent).
- Individuals and representatives of organizations that have experience relating to youth activities (YAE).
- Representatives of the Job Corps if located in the WSA (Job).
- Other such individuals as the WIB Chair or CEO determines to be appropriate (Other).

(Note: It is possible for one individual to represent multiple sectors/partners.)

- Indicate (Yes or No) that each Youth Council member has a signed and dated Economic Interest/Conflict(s) of Interest Statement on file.
- Indicate whether the Youth Council member is a voting WIB member.
- Provide beginning and ending dates of each Youth Council member's term.

Section 4

Chief Elected Official/Workforce Investment Board Agreement

For certification, the Chief Elected Official must submit a fully executed copy of the Chief Elected Official/Workforce Investment Board (CEO/WIB) Agreement to DWD. The CEO/WIB Agreement must include:

- Procedures for the selection process of the One-Stop Operator in cooperation with the WIB.
- Procedures for the designation or certification of the One-Stop Operator consistent with WIA Title I, Section 121(d) in agreement with the WIB.
- The specific responsibilities of the Chief Elected Official, which include:
 - Roles of the individual local elected officials.
 - Appointment of the members of the local board.
 - Implementation of other responsibilities assigned to the Chief Elected Official, under WIA Title I, Section 117 of the Workforce Investment Act.
- The specific functions of the Workforce Investment Board pursuant to Section 117(d).
- Acknowledgment of financial responsibility by the Chief Elected Official including distribution of potential financial liability among the local elected officials for Workforce Investment Act funding granted by DWD through the WIB or its fiscal agent for the workforce service area. The agreement will include the following assurance:

In accordance with 29 USC 2832(d)(3)(B)(i), WIA Title I, Section 117(d)(3)(B)(i) and IC 22-4.5-6, the Chief Elected Official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of Workforce Investment Act funds allocated to the local area. While the Chief Elected Official may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent, such designation shall not relieve the Chief Elected Official of the liability for any misuse of grant funds.

- Acknowledgement of the Chief Elected Official's responsibilities in conducting oversight in the Workforce Investment Service Area in cooperation with the WIB for:
 - Employment and Training activities. [WIA Title I, Section 134]
 - Incumbent Worker activities. [IC 22-4.5-3-4]
 - Youth activities. [WIA Title I, Section 129]
 - WorkOne delivery system.
- The specific time period for the CEO/WIB agreement.

Section 5

Economic Interest /Conflict(s) of Interest Statements

Citation

WIA Title I, Section 117(g) states that a member of a WIB may not:

- Vote on a matter under consideration by the local board:
 - Regarding the provision of services by such member (or by an entity that such member represents); or
 - Providing direct financial benefit to such member or the immediate family of such member; or
- Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

Conflict(s) of Interest Policy

In its bylaws, each WIB shall adopt conflict of interest standards meeting the minimum standards set forth in this policy. The conflict of interest standards listed below apply to all voting and non-voting WIB members.

The minimum conflict(s) of interest standards are as follows:

- A WIB member is prohibited from voting on any issue where the member has a potential conflict of interest.
- If any WIB member significantly participates, in the development of contract specifications or standards, or in a board discussion or decision relating to: specific terms of a contract; determination of specific standards for performance or a contract; development of Invitations for Bid (IFB), Requests for Proposal (RFP), or other such bid processes leading to a contract; or any similar discussions or decisions, then that member and the entity represented by that member are prohibited from:
 - Bidding on those contracts.
 - Supervising staff who are paid from funding awarded under such contracts.
 - Receiving any direct financial benefit from any resulting contract.

Note: No corporation, partnership, firm, association, or other entity shall receive the contract if it would create a conflict of interest for the Workforce Investment Board member who significantly participated in the manner described above.

- Each WIB member shall file an Economic Interest/Conflict of Interest(s) Statement (a sample statement attached) with the WIB upon appointment and every year thereafter. Such statements must include, at a minimum, the member's:
 - Current position(s) of employment.
 - Current position(s) as a paid director, officer, or agent of a corporation or similar entity.
- If a conflict exists, additional information related to the conflict of interest must be documented by the WIB member, spouse, or immediate family members to include:
 - Financial interests that are defined in the bylaws as potential sources of conflict(s) of interest.

- Similar information concerning the WIB member's spouse and immediate family members if the economic interests of such spouse and/or immediate family could present a potential conflict of interest.
 - A full description of the potential conflict(s) of interest.
- Any WIB member with potential or actual conflict(s) of interest must submit a disclosure letter to the WIB when potential conflict(s) are discovered, and if possible, before the agenda is prepared for the meeting involving the matter. If a member discovers a conflict of interest at the meeting:
 - The member must verbally declare such conflict(s) of interest.
 - The declaration must be clearly noted in the minutes.
 - The member must be excused from the remainder of the discussion and the voting.
- Each board member is responsible for determining whether potential or actual conflict(s) of interest exist or arise during his/her service on the board. Board members are also responsible for reporting such potential or actual conflict(s) of interest as soon as discovered.
- If the WIB makes a contract or purchase with a WIB member or an entity associated with the WIB member, the WIB shall justify the terms and conditions of the contract or purchase to the satisfaction of the Department of Workforce Development. The justification must demonstrate that the contract or purchase was adequately bid or negotiated and that the terms on the contract or price of the purchase are fair and reasonable to the WIB.
- The WIB shall adopt procedures that minimize the appearance of conflict(s) of interest.
- WIB members who are also WorkOne partners should not serve on any committees that deal with oversight of the WorkOne system or that allocate resources to that member's program.

The Indiana Department of Workforce Development will provide technical assistance, upon request, to coordinate compliance with the conflict(s) of interest standards to avoid potential problems from WIBs concerning the conflict(s) of interest standards. The Department's intent is to assist the WIBs avoid compliance violations or the appearance of violations.

SAMPLE 1

Reference Section 117(g) of the Workforce Investment Act

ECONOMIC INTEREST/CONFLICT(S) OF INTEREST STATEMENT

Name: _____

☐ **WIB Member** ☐ **Incumbent Worker Council Member** ☐ **Youth Council Member**

I currently hold (or held in the last twelve months) the following position of employment:

1. _____
2. _____
3. _____

I currently serve (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid:

1. _____
2. _____
3. _____

I, my spouse, or my immediate family members have potential sources of conflict(s) of interest concerning my duties as a WIB members or council member.

☐ **NO** Stop here and sign/date the form if you answer NO.

☐ **YES** Continue completing the form if you answer YES.

I have (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Workforce Investment Board:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the Workforce Investment Board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently holds (or held in the last twelve months) the following position of employment which might present a conflict(s) of interest for me as a WIB member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently serves (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid that might present a conflict(s) of interest for me as a WIB member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, has (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the

_____ Workforce Investment Board that might present a conflict(s) of interest for me as a WIB member:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the Workforce Investment Board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

These statements are true and complete to the best of my knowledge.

Date: _____ **Signed:** _____

Title: _____

(WIB Name) **Workforce Investment Board Member**

SAMPLE 2

Reference Section 117(g) of the Workforce Investment Act

DISCLOSURE LETTER OF (POTENTIAL) CONFLICT(S) OF INTEREST

Workforce Investment Board Name

Address Line #1

Address Line #2

City/State/Zip

Dear Workforce Investment Board Chair:

This letter serves to notify you of (potential) conflict(s) of interest that I have with regard to a matter that will or may come before the council for consideration. The matter at issue is ... *(Briefly describe the potential conflict(s) in detail making sure to fully describe the (potential) conflict(s).)* This information is provided in order to inform you of (potential) conflict(s) of interest, as is required by the bylaws of the Workforce Investment Board.

I will keep all persons informed as to any changes in circumstances by written notification.

I will comply with all applicable by laws and other requirements of this Workforce Investment Board and all applicable laws with regard to this situation. Please contact me at your earliest convenience in order to discuss this situation.

Sincerely,

Board Member Name, Board Member

Section 6

WIB, Incumbent Worker Council and Youth Council Membership Templates, and WIB Membership Qualifications Template

These four templates will be available on the DWD web site. Specific site to be determined.

(Insert WIB Name) Workforce Investment Board Members														
WIB Position Number	Vacant (V) or Deleted (D) Ind.	Officer	Name Last	First	Organization Name	Job Title	Business Address Street	City	Zip	Business Phone A/C Number Ext.	Sector Category	Econ. Interest State	Term Begin Date	Term End Date
1														
2														
3														
4														
5														
6														
7														
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10														
11														
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48														
49														
50														

Chair's email address: _____

Sectors*	Number	Percent	Vacancies
Business			
Labor			
Education			
Community Based Organization			
Economic Development			
Other Based Members			
Work One Partners			
Number of WIB positions (Active members + Vacancies)			

* Members representing more than one sector should be counted in each sector represented, but only once in the "Number of WIB positions" line.

(Insert WIB Name) Incumbent Worker Council Members																			
Date:	IWC Position Number		Vacant (V) or Deleted (D) Ind.	Officer	Name		Organization Name	Job Title	Business Address		City	Zip	Business Phone A/C Number Ext.	Sector	Econ. Interest State	Voting WIB Member	Term Begin Date	Term End Date	
	1																		
	2																		
	3																		
	4																		
	5																		
	6																		
	7																		
	8																		
	9																		
	10																		
	11																		
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	13																		
	14																		
	15																		
	16																		
	17																		
	18																		
	19																		
	20																		

Chair's email address: _____

Sectors*	Number	Percent	Vacancies
Business			
Labor			
Economic Development			
Dept of Workforce Development			
Dept of Commerce			
Other			
Number of IWC positions (Active members + Vacancies)			

* Members representing more than one sector should be counted in each sector represented, but only once in the "Number of IWC positions" line.

(Insert W/B Name) Youth Council Members															
Date:	YC Position Number	Vacant (V) or Deleted (D) Ind.	Officer Date	Name Last	First	Organization Name	Job Title	Business Address Street	City	Zip	Business Phone A/C Number Ext.	Econ. Interest State	Voting W/B Member	Term Begin Date	Term End Date
	1														
	2														
	3														
	4														
	5														
	6														
	7														
	8														
	9														
	10														
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	21														
	22														
	23														
	24														
	25														

Chair's email address: _____

Sectors*	Number	Percent	Vacancies
W/B Members - Youth Experience (W/B)			
Youth Service Agencies (YSA)			
Public Housing Authority (PHA)			
Parents of Eligible Youth (Parent)			
Individuals - Youth Activity Exp. (YAE)			
Job Corps (Job)			
Other (Other)			
Number of Youth Council positions - (Active members + Vacancies)			

* Members representing more than one sector should be counted in each sector represented, but only once in the "Number of Youth Council positions" line.

Date _____

[illegible]

SECTION 7

Checklists for Certification

In reviewing and certifying each WIB, WIA Administration uses the next four pages as guides for review. They are provided here for information and assistance.

Reviewer: _____ **Date:** _____ **WIB:** _____

Checklist for WIB Certification

- | | | |
|--|-----|----|
| 1. A letter requesting certification. | YES | NO |
| 2. Assurance that a documented WIB nomination and selection process was adopted by the CEO of the WIB and that those records can be accessed at the WIB's or at the CEO's office | YES | NO |
| 3. Assurance that the WIB has adopted bylaws for its governance and that the WIB has a copy of such bylaws on file. | YES | NO |
| 4. A copy of the CEO/WIB Agreement signed by the CEO and WIB Chair. | YES | NO |
| 5. A statement indicating how the WIB meets the independent staff requirements. | YES | NO |
| 6. A separate document with the WorkOne Operator name(s), business address(es), telephone number(s), and e-mail address. | YES | NO |
| 7. Assurance that the WIB or CEO has a signed and dated Conflict(s) of Interest statement for each WIB, Incumbent Worker and Youth Board member on file. | YES | NO |
| 8. An electronic copy, WIB Membership Template and WIB Qualifications Template. | YES | NO |
| 9. An electronic copy, Youth Council Membership Template. | YES | NO |
| 10. An electronic copy, Incumbent Worker Council Membership Template. | YES | NO |
| 11. DWD determined that satisfactory progress has been made on all performance issues, monitor findings, and audit findings. | YES | NO |

Reviewer: _____ Date: _____ WIB: _____

WIB Membership Template Review:

Sectors	Minimum Required	Actual	Comments
Business	> 50%		
Labor	15%		
Education	2		
CBO	2		
Economic Development	2		
Other Board Members			
WorkOne Partners			
WIA Adult, DW, and Youth	1		
Job Corps			
Indian & Native American			
Migrant & Seasonal Farmworkers			
Wagner Peyser, Veterans, Trade Program, Unemployment (DWD)	1		
Adult Education & Literacy Activities	1		
Vocational Rehabilitation	1		
Title V Older Workers	1		
Postsecondary Vocational Ed	1		
Community Services Block Grants	1		
Housing & Urban Dev (HUD)			
Other Partners			

Total Number of WIB members: _____ Is there a WIB chair? _____

Reviewer: _____ **Date:** _____ **WIB:** _____

Incumbent Worker Council Template Review:

Sectors	Minimum Required	Actual	Comments
Business	33%		
Labor	33%		
Economic Development			
DWD			
Department of Commerce			
Other			

Total Number of IWC members: _____

Is the Incumbent Worker Council chair a voting member of the WIB? **YES** **NO**

Reviewer: _____ Date: _____ WIB: _____

Youth Council Membership Template Review:

Sectors	Minimum Required	Actual	Comments
WIB member with special interest or expertise in youth policies (WIB)	2		
Representatives of Youth Agencies (YSA)	2		
Representatives from local public housing authorities (PHA)	2*		
Parents of eligible youth seeking assistance under Title I (Parent)	2		
Individuals who have experience related to youth activities (YAE)	2		
Representatives of the Job Corps, if located in WSA (Job)	2**		
Other individuals as the WIB Chair or CEO determine appropriate (Other)			

Total Number of Youth Council members: _____

Is the Youth Council chair a voting member of the WIB?

YES NO

** In areas where only one housing authority provides employment and training services, one representative is necessary.*

***One representative will meet the membership requirement for each affected WIB under this category.*

Reviewer: _____ **Date:** _____ **WIB:** _____

CEO/WIB Agreement:

- | | | |
|---|-----|----|
| 1. Does agreement include procedures for the selection process of the WorkOne Operator in cooperation with the WIB? | YES | NO |
| 2. Does agreement include procedures for designation or certification of the WorkOne Operator consistent with WIA Title I, Section 121 (d) in agreement with the WIB? | YES | NO |
| 3. Are CEO responsibilities specified? | YES | NO |
| 4. Are WIB functions specified? | YES | NO |
| 5. Is a CEO financial responsibility statement with specific required wording present? | YES | NO |
| 6. Are CEO responsibilities for conducting oversight regarding Youth, Incumbent Workers, Employment & Training activities, and WorkOne Delivery system specified? | YES | NO |
| 7. Is there a specific time period for the CEO/WIB Agreement? | YES | NO |

Section 8

Quarterly Reports

Once a WIB is certified, the WIB is responsible for submitting the following four quarterly updated membership templates: WIB Membership, WIB Qualifications, Incumbent Worker Council Membership, and Youth Council Membership. The quarterly reports are due each program year on July 1, October 1, January 1, and April 1. Please indicate on these reports, the date each report was updated. When Oversight monitors visit a WIB, they will receive the latest updated quarterly reports from WIA Administration to assure that the memberships of the WIB, Incumbent Worker, and Youth Councils are in compliance with the State's certification policy and federal regulations.

If a vacancy occurs, all information on the individual resigning should be deleted from the template except for the position number and membership sector. The position number will remain to be filled with the information of the sector's new representative.

A vacancy must be filled within 90 calendar days in accordance with the WIB's nomination/selection process. The new member's information should be submitted to DWD in the quarter immediately following the selection. All vacancies must be filled within 90 calendar days from the date of occurrence. A sixty day extension may be considered if the WIB can show good cause for not filling the vacancy.